

ELLENOFF GROSSMAN & SCHOLE LLP
150 East 42nd Street, 11th Floor
New York, New York 10017
(212) 370-1300
agalano@egslp.com hfrom@egslp.com
Anthony Galano, III (AGIII9950) Holly Frown (HF4155)
Attorneys of Record For Defendant

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ROSE QADER,

Plaintiff,

-against-

RUSHMORE RECOVERY, CITY BANK
UNIVERSAL CARD SERVICES and TOD E.
HOUSLAND-HOUSLAND ASSOCIATES,

Defendants.

Civil Action No.
09 Civ. 6855 (VM)

**NOTICE OF
REMOVAL**

**TO THE HONORABLE JUDGES OF THE UNITED STATES
DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW
YORK:**

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. Sections 1331, 1441(b), and 1446, defendant CITIBANK (SOUTH DAKOTA), N.A. (“Citibank”), erroneously identified in the Complaint as “City Bank Universal Card Services,” hereby removes the action entitled “Rose Qader v. Rushmore Recovery, City Card Universal Card Services and Tod. E. Housland-Housland Associates,” Civil Court of the City of New York, New York County, Index No. 0027353/09 (the “Action”), to the United States District Court for the Southern District of New York on the following grounds:

1. Defendant Citibank received service of the Summons and Complaint in the Action on or about July 3, 2009. A copy of the Summons and Complaint served in the Action is attached hereto as Composite Exhibit A.

2. Citibank has timely filed this Notice of Removal within 30 days receiving service of the Summons. See 28 U.S.C. § 1446(b).

3. The Action is a civil action of which this Court has original jurisdiction under 28 U.S.C. Section 1331 and is one which may be removed to this Court by Citibank pursuant to the provisions of 28 U.S.C. Section 1441(b) in that plaintiff Rose Qader ("Plaintiff") alleges a violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (Summons, "Reason for Claim"), a claim that is created by, and arises under, federal law. To the extent any other claims in the Action may arise under state law, supplemental jurisdiction over such claims exists pursuant to 28 U.S.C. Sections 1337 and 1441(c).

4. As reflected in Exhibit B hereto, defendant "Rushmore Recovery," though not yet served, and defendant "Tod E. Housland-Housland Associates" have joined and consented to removal of this action.

5. This Court is the proper district court for removal because the Civil Court for the City of New York, County of New York, is located within the United States District Court for the Southern District of New York.

6. True and correct copies of all pleadings, process, and orders served upon Citibank are attached in composite Exhibit A.

7. Counsel for Citibank is simultaneously filing a copy of this Notice of Removal of Action with the state court in the Action. Counsel for Citibank will serve Plaintiff and defendants "Rushmore Recovery" and "Tod E. Houseland--Housland Associates" -- with copies of this Notice of Removal and the Notice filed in the Action.

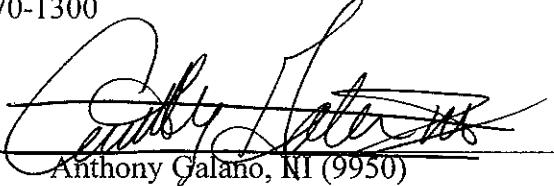
8. By virtue of this Notice of Removal of Action and the Notice filed in the Action, Citibank does not waive its rights to assert any personal jurisdictional defense or other motions including Rule 12 motions and/or motions to compel arbitration permitted by the Federal Rules of Civil Procedure.

WHEREFORE, Citibank respectfully requests that the Action be removed from the Civil Court of the City of New York, County of New York, to this Court.

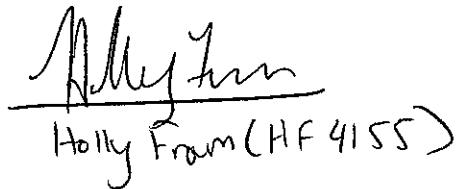
Respectfully submitted,

ELLENOFF GROSSMAN & SCHOLE LLP
Attorneys for Defendants
150 East 42nd Street, 11th Floor
New York, New York 10017
(212) 370-1300

By:


Anthony Galano, NI (9950)

Dated: July 30, 2009
New York, New York

By: 
Holly From (HF 4155)

To: Rose Qader, Plaintiff
Pro Se
11 West 116th Street
New York, New York 10026-2508
& P.O. Box 67-22-38
Bronx, New York 10467

Rushmore Recovery
10 New King Street, Suite 205
White Plains, NY 10604

Tod. E. Houseland-Houseland Associates
45 Kensico Drive
Mount Kisco, NY 10549

CIVIL COURT OF THE CITY OF NEW YORK

APPLICATION FOR A SUMMONS

0027353

PARTIES

PLAINTIFF: (Your name and complete address, including your apartment number and telephone number.) [NOTE: If the claim is based on an auto accident, the claim must be *Owner* against *Owner*.]

ROSE QADER

11 W 116 ST N.Y.N.Y

DEFENDANT(S): (The full legal name and street address (no box number) of the party(ies) you are suing. Indicate whether you are suing this party as a person or a business.) [NOTE: If you are suing a business, indicate whether it is a partnership, a corporation or an individual with a business certificate. This information can be obtained in the County Clerk's Office in the county in which the business is located. Failure to check this information may result in a judgment which cannot be executed.]

RUSHMORE RECOVERY 10 New King St Suite 205-White Pl NY 10604
CITY BANK UNIVERSAL CARD SERVICES 710 E 60 THN -SD 57104

TOD E.HOUSLAND -- HOUSLAND ASSOCITES

45 Racine Drive
Mt Kisco N.Y

CLAIM

REASON FOR CLAIM:

Damage cause to:	<input type="checkbox"/> automobile	<input type="checkbox"/> person	<input type="checkbox"/> property other than automobile
Failure to provide:	<input type="checkbox"/> repairs	<input type="checkbox"/> proper service	<input type="checkbox"/> goods ordered
Failure to return:	<input type="checkbox"/> security	<input type="checkbox"/> property	<input type="checkbox"/> deposit <input type="checkbox"/> money
Failure to pay for:	<input type="checkbox"/> wages <input type="checkbox"/> rent	<input type="checkbox"/> services rendered <input type="checkbox"/> commissions	<input type="checkbox"/> insurance claim <input type="checkbox"/> money loaned <input type="checkbox"/> goods sold and delivered
Breach of:	<input type="checkbox"/> contract	<input type="checkbox"/> lease	
Loss of:	<input type="checkbox"/> luggage	<input type="checkbox"/> property	<input type="checkbox"/> time from work <input type="checkbox"/> use of property
Returned:	<input type="checkbox"/> check (bounced)	<input type="checkbox"/> merchandise (not reimbursed)	

Other: (Be brief)

Deceive practice / consumer protection law
RUIN MY CREDIT VIOLATION OF THE FAIR DEBT ACT

(See Attach)
EXHIBIT II

DETAILS OF CLAIM:

Amount of Claim: (Limit \$25,000 for each Cause of Action) \$ 25.00

Date of Occurrence: 1-9-2009

Place of Occurrence:

If Car Accident: YOUR license plate #

DEFENDANT'S license plate

NEW YORK COUNTY
CIVIL COURT

Identifying Number(s):

(Receipt #, Claim #, Account #, Policy #, Ticket #, etc.)

JUNE -17-2009

Date

x *Rose Qader*
Signature of Plaintiff

FILED

JUN 17 2009

CITY COURT OF THE CITY OF YONKERS
COUNTY OF WESTCHESTER

—X Index No: 2994-2009

RUSHMORE RECOVERIES, LLC, assignee of
CITIBANK UNIVERSAL CARD SERVICES.,
Plaintiff,

STIPULATION

-v-

ROSE QADER

Defendant.

—X

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, The attorneys of the above-referenced parties would like to adjourn the Court date scheduled for Monday May 04, 2009 to May 3, 2009 at 9:30am at the City Court of Yonkers. All other dates will remain the same.

Dated: May 01, 2009
Mount Vernon, New York



Todd Houslanger, Esq.
Attorney for Plaintiff
Houslanger & Associates, PLLC
PO Box 742
Katonah, NY 10536
(631) 427-0731
(631) 427-1143 [fax]



JACOB ROLLING, ESQ.
Attorney for Defendant
Law Offices of Jacob Rollings
57 Granatan Avenue
Mount Vernon, New York
(914)-699-5220
(914)-699-3740 [fax]

I AM ROSE QADER I MAKE THESE STATEMENTS

CITY COURT OF THE STATE OF NEW YORK

COUNTY OF NEW YORK

=====

EXHIBITS

=====

ROSE QADER

PLAINTIFF

RUSHMORE RECOVERY

CITY BANK UNIVERSAL CARD SERVICES

TOD E HOUSLANDGER

HOUSLANDGER & ASSOCIATES

DEFENDANTS

-----X

THE EXHIBITS

=====

GROUND OF :

LAW ROSE QADER MAKE THESESES EXHIBITS
AGAINST THESESES DEBT COLLECTER
DEBT BUYERS VIOLATED

1 --THE CONSUMER LAW FT SECTION [609 (C)]

POBOX 67-22-38

2 --VIOLATION THE FAIR DEBT COLLECTION ACT

3 --USED RUSE , INTIMIDATION

4-- TO STILL THE TAX PAYER FROM THEY MONEY

5-- THAT THIRD PARTY DEBT COLLECTION

VIOLATION F.T.C LAW

6-- PLAINTIFF NEVER SERVED ANY SUMMON

WITH THEY DECEIVING PRACTICE

7-- VIOLATE A TRUST ACCOUNT

8-- RUINING MY CREDIT HISTORY

FOR ALL THAT RAISON PLAINTIFF DEMAND TO

THESES DEBT COLLECTER [DEBT BUYER]

A JUDGEMENT FOR \$ 25.000 EACH OF THESES

DEFENDANT FOR VIOLATION THE CONSUMER LAW

DATE JUNE 17--2009


ROSE QADER

POBOX 67--22--38

BRONX N.Y 10467

PLAINTIFF

RUSHMORE RECOVERIES

10 NEW KING ST / SUITE 205

WHITE PL. NEW YORK

10604

== == == == ==

TOD HOUSLANDGER

45 KENSCICO DR.

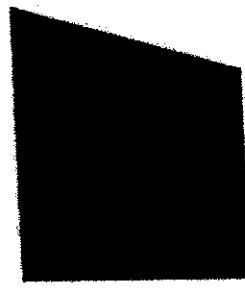
MOUNT KISCO N.Y

WESTCHESTER

CERTIFIED MAIL



From: SOX Lawyer
67-22-38
PFM 10467



To: City Bank Cash Service
110 E. 60TH ST.
SD 57104

Ready Post.

Bubble Mailer

Moritz, Andrew [LEGL]

From: Todd E. Houslanger, Esq. [TEH@TODDLAW.COM]
Sent: Friday, July 31, 2009 5:28 PM
To: Moritz, Andrew [LEGL]
Cc: S.Wortman@MelHarrisLaw.com
Subject: Rose Qader v Rushmore Recovery, et.al.

Please be advised that on behalf of the named defendant Tod E. Housland, we consent that the matter be removed to Federal Court.

We reserve our rights to object regarding but not limited to the failure of the Plaintiff to set forth a valid cause of action with necessary sufficiency, jurisdiction, venue, damages and standing.\

Please forward any relevant papers to the undersigned.

Thanks you,

Todd E. Houslanger, Esquire
HOUSLANGER & ASSOCIATES, PLLC
372 New York Avenue
Huntington, New York 11743
631-427-1140
TEH@TODDLAW.COM

Moritz, Andrew [LEG]L

From: Scott Wortman [swortman@melharrislaw.com]
Sent: Monday, August 03, 2009 1:53 PM
To: Moritz, Andrew [LEG]
Cc: Arthur Sanders; TEH@TODDLAW.COM
Subject: Qader...

Andrew, you definitely have Rushmore's consent to remove this case to federal district court.

Todd, please provide me with any relevant case notes and documents and forward to my proper email address as seen below.

Thank you.

Scott Wortman, Esq.
Attorney at Law
Mel S. Harris & Associates, L.L.C.
5 Hanover Square, 8th Floor
New York, NY 10004
(212) 571-4900 Ext. 3208
swortman@melharrislaw.com

This is an attempt to collect a debt. Any information obtained will be used for that purpose.

Notice: This message is confidential. It may also be privileged or otherwise protected by work product immunity or other legal rules. If you have received it by mistake, please let us know by e-mail reply and delete it from your system; you may not copy this message or disclose its contents to anyone.

From: Moritz, Andrew [mailto:andrew.moritz@citi.com]
Sent: Monday, August 03, 2009 1:38 PM
To: Scott Wortman
Subject:

Andrew Moritz*
Vice President and Associate General Counsel - Litigation Citibank, N.A.
14000 Citi Cards Way, C1G-1B235
Jacksonville, FL 32258
(904) 954-8552
(904) 954-8716 - Fax
andrew.moritz@citi.com

*Admitted to practice in California; not admitted in Florida

Index No.

Year 20

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROSE QADER,

Plaintiff,

-against-

RUSHMORE RECOVERY, CITY BANK UNIVERSAL
CARD SERVICES and TOD E. HOUSLAND-
HOUSLAND ASSOCIATES,

Defendants.

Notice of Removal

ELLENOFF GROSSMAN & SCHOLE LLP

Attorneys for

Defendant

150 EAST 42ND STREET

NEW YORK, NEW YORK 10017

(212) 370-1300

Pursuant to 22 NYCRR 130-1.1-a, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 1200.41-a.

Dated:

Signature

Print Signer's Name.....

Service of a copy of the within

is hereby admitted.

Dated:

.....
Attorney(s) for**PLEASE TAKE NOTICE**

Check Applicable Box

that the within is a (certified) true copy of a
entered in the office of the clerk of the within-named Court on

20

NOTICE OF
ENTRYthat an Order of which the within is a true copy will be presented for settlement to the
Hon. _____, one of the judges of the within-named Court,
at _____

on 20 , at

M.

Dated:

ELLENOFF GROSSMAN & SCHOLE LLP

Attorneys for

To:

150 EAST 42ND STREET
NEW YORK, NEW YORK 10017
(212) 370-1300